

PETITION FOR RECONSIDERATION

EXHIBIT 2

FM Station KIQS • 105.5 MHz, Channel 288A • Willows, California

Engineering Statement of Daniel G.P. Mansergh

The firm of Hammett & Edison, Inc. has been retained by Embarcadero Media to evaluate the coverage of hypothetical transmitting facilities constructed in conformance with the recent allocation of Channel 288B1 at Dunnigan, California (Mass Media Docket 94-29).

Contour Encompasses Yuba City Urbanized Area

The 1 mV/m contour of an FM station operating with maximum Class B1 facilities from the allocation site, calculated in accordance with FCC Rules, would fully encompass the Yuba City Urbanized Area, a population grouping of 77,167 persons, as shown in Figure 1.

Calculated Coverage Using Terrain-Sensitive Model

Using the ECAC Terrain-Integrated Rough Earth Model (TIREM) propagation algorithm, 1 mV/m coverage from the same maximum Class B1 facility is calculated to be greater than the FCC allocation contour indicates, as shown in Figure 2. In addition to the entire Yuba City Urbanized Area, this increased coverage area would include the entire Davis Urbanized Area (population 52,711), and 170,770 persons within the Sacramento Urbanized Area.

Translator Provides Increased Coverage

Figure 3 shows the combined calculated coverage of a maximum Class B1 facility at the Dunnigan allotment site plus a translator serving Sacramento that has been proposed on first-adjacent Channel 289. The translator (FCC File No. BPCT-940415TB) is calculated to provide 1.0 mV/m service to an additional 224,294 persons within the Sacramento Urbanized Area. The total calculated coverage of the two facilities would provide 1 mV/m service to 395,064 persons within the Sacramento Urbanized Area.

List of Figures

In carrying out these engineering studies, the following attached figures were prepared under my direct supervision:

1. Map of F(50,50) contour
2. Map of TIREM coverage
3. Map of TIREM coverage including proposed translator.



Daniel G.P. Mansergh

November 22, 1995



Affidavit

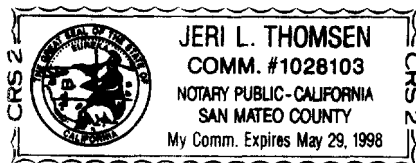
State of California |
County of Sonoma | ss:

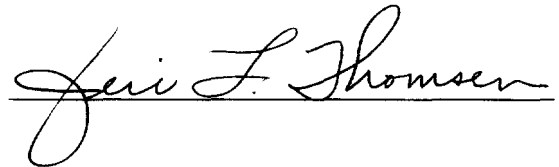
Daniel G.P. Mansergh, being first duly sworn upon oath, deposes and says:

1. That he is a qualified engineer and is employed by the firm of Hammett & Edison, Inc., Consulting Engineers, with offices located near the city of San Francisco, California,
2. That he graduated with honors from University of California at Santa Cruz with a Bachelor of Arts degree in 1992, completed two years of employment with Apogee Sound, Inc., and has been associated with the firm of Hammett & Edison, Inc., since October 1994,
3. That the firm of Hammett & Edison, Inc. has been retained by Embarcadero Media to evaluate the coverage of hypothetical transmitting facilities constructed in conformance with the recent allocation of Channel 288B1 at Dunnigan, California (Mass Media Docket 94-29),
4. That such engineering work has been carried out by him or under his direction and that the results thereof are attached hereto and form a part of this affidavit, and
5. That the foregoing statement and the report regarding the aforementioned engineering work are true and correct of his own knowledge except such statements made therein on information and belief and, as to such statements, he believes them to be true.


Daniel G.P. Mansergh

Subscribed and sworn to before me this 22nd day of November, 1995





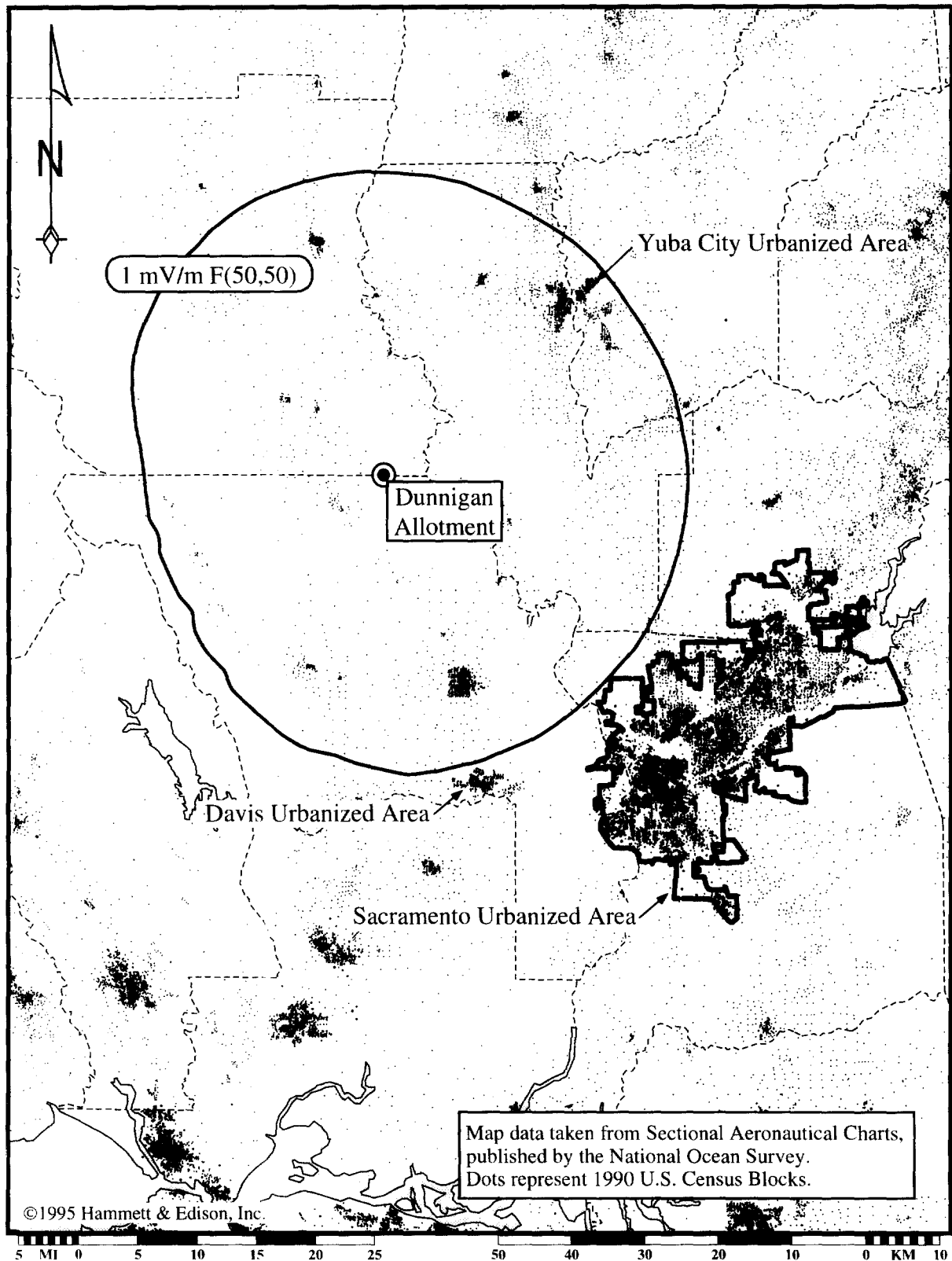


HAMMETT & EDISON, INC.
CONSULTING ENGINEERS
SAN FRANCISCO

951124
Affidavit

FM Station KIQS • 105.5 MHz, Channel 288A • Willows, California

FCC Coverage Contour
Maximum Class B1 Dunnigan Allotment, 25 kW ERP at 100 m HAAT

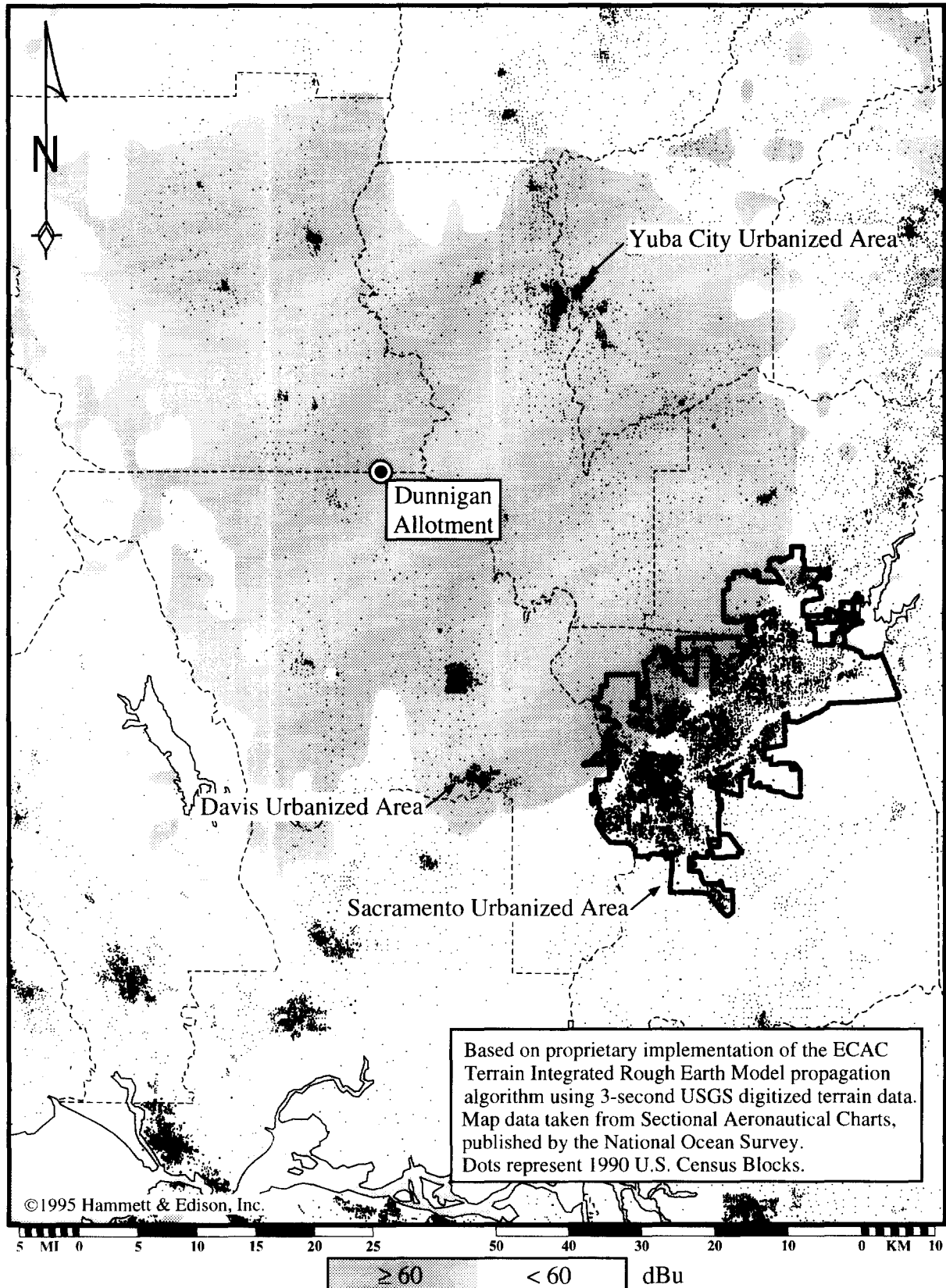


HAMMETT & EDISON, INC.
CONSULTING ENGINEERS
SAN FRANCISCO

951124
Figure 1

FM Station KIQS • 105.5 MHz, Channel 288A • Willows, California

Calculated Coverage
Maximum Class B1 Dunnigan Allotment, 25 kW ERP at 100 m HAAT

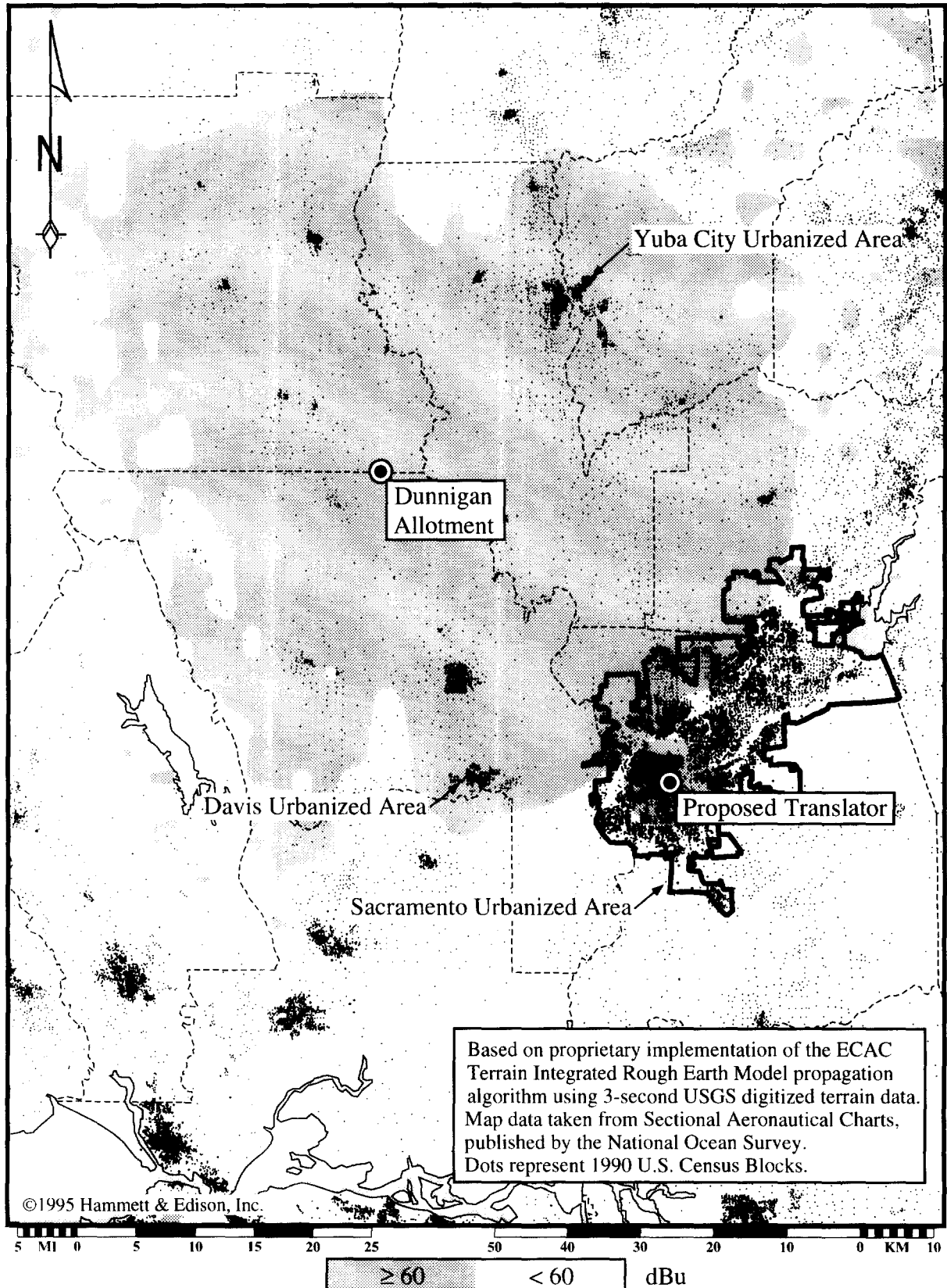


HAMMETT & EDISON, INC.
CONSULTING ENGINEERS
SAN FRANCISCO

951124
Figure 2

FM Station KIQS • 105.5 MHz, Channel 288A • Willows, California

Combined Calculated Coverage
Maximum Class B1 Dunnigan Allotment, 25 kW ERP at 100 m HAAT
Proposed Channel 289 Translator, 10 W ERP at 43 meters HAAT



PETITION FOR RECONSIDERATION

EXHIBIT 3

April 14, 1994

Office of the Secretary
Federal Communications Commission
1919 M St., N.W.
Room 222
Washington, DC 20036

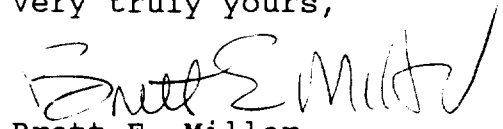
RE: Application for Translator, FCC Form 349

Dear Sir/Madame:

Submitted herewith is an original and three copies of an Application For Authority To Construct Or Make Changes In An FM Translator Or FM Booster Station (FCC Form 314) in the city of Sacramento, California.

If there are any questions, please contact this office.

Very truly yours,



Brett E. Miller
11608 Blossomwood Ct.
Moorpark, CA 93021
(805) 523-7312

FCC 349

APPLICATION FOR AUTHORITY TO CONSTRUCT
OR MAKE CHANGES IN AN
FM TRANSLATOR OR FM BOOSTER STATION

FOR
FCC
USE
O

NEW (C) FMT
FCC MAIL ROOM APR 15 1994

04-18-94 8200259 001

FOR COMMISSION USE ONLY

FILE NO. BPFT-940415TB

Section I - GENERAL INFORMATION

1. APPLICANT NAME

Brett E. Miller

MAILING ADDRESS (Line 1) (Maximum 35 characters)

11608 Blossomwood Ct.

MAILING ADDRESS (Line 2) (if required) (Maximum 35 characters)

CITY

Moorpark

STATE OR COUNTRY (if foreign address)

CA

ZIP CODE

93021

TELEPHONE NUMBER (include area code)

(805) 523-7312

CALL LETTERS OR OTHER FCC IDENTIFIER (if applicable)

FOR MAILING THIS APPLICATION, SEE GENERAL INSTRUCTION D.

2. A. Is a fee submitted with this application?

☒ Yes ☐ No

B. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1112) and go to Question 3.

☐ Governmental Entity

☐ Noncommercial educational licensee

☐ NTIA facilities funding

C. If Yes, provide the following information:

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Column (B) lists the Fee Multiple applicable for this application. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).

(A)

(B)

(C)

FEE TYPE CODE		
M	O	F

FEE MULTIPLE (if required)			
0	0	0	1

FEE DUE FOR FEE TYPE CODE IN COLUMN (A)
\$ 425.00

FOR FCC USE ONLY
425.00

3. This application is for: (check one box)

☒ FM Translator

☐ FM Booster

A. Channel No.

289

B. Community of license:

City

Sacramento

State

CA

41X w/ BPFT-940103 TC
which is contested.

C. Check one of the following boxes:

☒

NEW Station

☐

MODIFICATION of Construction Permit (CP)

(Check this box only if CP is not covered by an operating license)

File No. of Construction Permit: _____

☐

MAJOR CHANGE in licensed facilities; call sign: _____

☐

MINOR CHANGE in licensed facilities; call sign: _____

☐

AMENDMENT of pending application

Application Reference No. _____

For amendments to a previously filed application, submit only Section I and those portions of the form that contain the amended information.

4. (a) To the applicant's knowledge, is this application mutually exclusive with a renewal application?

☐

Yes

☒

No

(b) To the applicant's knowledge, is this application mutually exclusive with another application(s)?

☒

Yes

☐

No

If the answer to question 4(a) or 4(b) is Yes, state the following information:

Call letters or File No.	Community of License	
	City	State
(a) DNA		
(b) BPFT 940103TC	Sacramento	CA

SECTION II - ENGINEERING DATA AND ANTENNA AND SITE INFORMATION

1. Facilities requested:

(a) Output Channel No.	Transmitter Rated Power Output	Proposed Community(ies) to be served	
289	30 W	City Sacramento	State CA

(b) Frequency 105.7 MHz

Primary station (station to be rebroadcast)			
Call Sign KIQS-FM	City Willows	State CA	Frequency 105.5 MHz

(c) Input Channel No. 288 Input Channel Frequency MHz 105.5
If station is to operate via another translator station, indicate call sign and location of final intermediate translator.

Call Sign DNA Location DNA

2. Proposed transmitting antenna location:

City Sacramento	State CA	County Sacramento
Address or other description of location 701 Fairgrounds Drive		Geographical coordinates of transmitting antenna to nearest second North Latitude 38 32 50 West Longitude 121 26 39

Attach as an Exhibit a map or maps (such as the Geological Survey topographic quadrangle map) of the area of the proposed transmitting antenna location, showing thereon the following data:

Exhibit No.
E-2

- Scale in kilometers
- Proposed transmitting antenna location accurately plotted.

For applicants proposing changes that will result in change of coverage, include in this Exhibit the location of the proposed and existing transmitting antenna sites and the proposed and existing coverage contours. See 47 C.F.R. Section 74.1233a.

3. Transmitter	Make BEXT	Type No. PTX 30	Output Power P 0.0113 kilowatts
4. Transmission line	Andrew	LDF4A-50	Length 15.2 meters Rated efficiency E for length given 0.9226 decimal fraction

Transmitting antenna ☐ Directional "Off-the-shelf" (submit Manufacturer's patterns & tabulations) ☐ Directional Composite (Multiple Antennae) (submit Manufacturer's patterns & tabulations) ☒ Non-Directional

Manufacturer Jampro	Model JLLP-2	Description ¹ Circularly-Polarized		
Overall structure height above ground ² 46.3 meters	Elevation of Site ³ 9.8 meters	Power gain G ⁴ H 0.955 V 0.955		HAAT 43.4m

Effective radiated power (ERP) (ERP = P X E X G) 0.010 kilowatts (H) 0.010 kilowatts (V)
Height of antenna radiation center above mean sea level 53.1 meters (H) 53.1 meters (V)

1 Give basic type using general descriptive terms such as half-wave dipole, "bow-tie" with screen, corner reflector, 10 element Yagi, 4 element in-phase array, two stacked 5 element Yagis, etc.

2 Show height to topmost portion of structure in meters, including highest top mounted antenna and beacon if any.

3 Show the ground elevation above mean sea level in meters at the base of the transmitting antenna supporting structure.

4 The multiplier in lobe of maximum radiation relative to a halfwave dipole. Give the actual power gain toward the radio horizon.

Section II (Page 2)

6. Attach as an Exhibit a vertical plane sketch for the proposed total structure(s), including supporting structure(s), giving height of center of radiation above ground, overall height of structure above ground, including lighting beacon (if any) and height above mean sea level in meters for all significant features for BOTH RECEIVING AND TRANSMITTING ANTENNAS. Also indicate any horizontal separation between receiving and transmitting antennas.

Exhibit No.
E-3

7. Will the proposed antenna supporting structure be shared with an AM radio station?

☐ Yes ☒ No

If yes, list the call sign(s) and class of such station(s). DNA

8. Is a directional antenna proposed?

☐ Yes ☒ No

If Yes, attach as an Exhibit a statement with all data specified in 47 C.F.R. Sections 73.316(cX1)-(cX3), including plot(s) and tabulations of the relative field. See instructions for Section II - Engineering Data, paragraph (A).

Exhibit No.
DNA

9. Are there any terrain features between the proposed transmitting site and the community to be served which would interfere with line-of-sight transmission to any part of the principal community?

☐ Yes ☒ No

If the answer is "Yes", attach as an Exhibit a description of the extent of the area affected.

Exhibit No.
DNA

C. Supply terrain and coverage data (to be calculated in accordance with 47 C.F.R. Section 73.313).

Source of terrain data: (check only one box below)

3

☒ Linearly Interpolated ~~30~~-second database (Source Defense Mapping Agency 3-arc second)

☐ 7.5 minute topographic map

☐ Other (briefly summarize)

60 dBu

Radial bearing (degree True) 1/		Average Elevation of Radial in meters (3 to 16 km AMSL)	Height of Radiation Center above average elevation of radial from 3 to 16 km (meters)	Predicted distance to the protected contours (0.5, 0.7 or 1.0 mV/m) 2/
Booster	Transistor			
0	0	9.9	43.1	3.80
45	30	17.9	35.1	3.40
90	60	17.4	35.6	3.43
135	90	20.8	32.2	3.25
180	120	17.2	35.8	3.44
225	150	10.5	42.5	3.77
270	180	5.4	47.6	4.00
315	210	2.7	50.3	4.13
	240	2.6	50.4	4.14
	270	3.2	49.8	4.11
	300	4.7	48.9	4.05
	330	4.6	48.4	4.03

1/ Additional radials and related information should be provided when necessary to show interference protection.

2/ Protected contours vary depending on the class of station involved. Commercial Class B FM stations - protected contour 0.5 mV/m; Commercial Class B1 FM stations - protected contour 0.7 mV/m; all other classes of FM stations - protected contour 1 mV/m.

Section 11 (Page 3)

Based on the figures obtained from the above table, calculate the appropriate coverage contours of the translator station (see 47 C.F.R. Section 73.333) and answer questions 11 and 12.

11. Attach as an Exhibit a map (Sectional Aeronautical Chart or equivalent) that shows clearly, legibly and accurately, and with latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.
E-4

- (a) The proposed coverage contour; and
(b) the protected contour of the licensed primary station to be rebroadcast. (If the primary station is authorized with facilities in excess of those specified by 47 C.F.R. Section 73.211, see Note to 47 C.F.R. Section 74.1231(h)).

12. Based on the above, is the area to be served by the translator or booster station entirely within the primary station's protected contour?

☐ Yes ☒ No

13. Is the applicant specifying a channel that is 53 or 54 channels removed from the channel of any FM radio broadcast station in the area of operations?

☐ Yes ☒ No

If Yes, attach an Exhibit showing compliance with 47 C.F.R. Section 73.207.

Exhibit No.
DNA

(Translators will be treated as Class A stations provided, however, that translators operating with 10 watts or less ERP will be treated as Class D stations and will not be subject to IF, frequency separation requirements.)

14. Does the applicant have any interest in an application or an authorization for an FM translator station that serves substantially the same area and rebroadcasts the same signal as the proposed FM translator station? See 47 C.F.R. Section 74.1231(d).

☐ Yes ☒ No

If Yes, submit an Exhibit, showing the technical need for the additional translator.

Exhibit No.
DNA

15. For non-commercial educational applicants intending to operate on reserved channels 201-220, will the proposed operation be within the threshold distance of a TV Channel 6 station as set forth by 47 C.F.R. Section 74.1205(a)?

☐ Yes ☐ No

DNA

If Yes, submit an exhibit showing compliance with paragraph (b), (c), or (d) of 47 C.F.R. Section 74.1205.

Exhibit No.
DNA

If applicant's compliance is based on 47 C.F.R. Section 74.1205(b) do you certify that you have coordinated your antenna with the affected TV Channel 6 station?

☐ Yes ☐ No

DNA

16. For non-commercial educational applicants intending to operate on reserved channels (201-220) and intending to use alternative signal delivery, attach an exhibit showing the distance between the transmitter site of the proposed translator station and the predicted 1 mV/m contour of the primary station.

Exhibit No.
DNA

If this distance is greater than 80 km from the predicted 1 mV/m contour of the primary station being rebroadcast or within 160 km of the transmitter site of any authorized full service non-commercial educational station, applicant must include in its Exhibit a showing that an alternative frequency can either be used at the same site as the proposed translator's transmitter location or at another site and the frequency can provide signal coverage to the same area encompassed by the applicant's proposed 1 mV/m contour.

NOTE: Applications filed after October 1, 1992, will not need to make this showing.

17. Has the FAA been notified of proposed construction?

See Exhibit E-6

☒ Yes ☐ No

If Yes, give date and office where notice was filed:

Western Pacific Regional 4/13/94

Section 11 (Page 4)

18. Environmental Statement (See 47 C.F.R. Section 1.1301 et seq.)

Would a Commission grant of this application come within 47 C.F.R. 1.1307, such that it may have a significant environmental impact, including exposure to workers or the general public to harmful nonionizing radiation levels?

☐ Yes ☒ No

If Yes, submit as an Exhibit an Environmental Assessment as required by Section 1.1311. If No, explain briefly why not. ERP is less than 50 watts.

Exhibit No.
DNA

19. Unattended operation:

Is unattended operation proposed?

☒ Yes ☐ No

(a) If Yes, and this application is for authority to construct a new station or to make changes in the facilities of an authorized station which proposes unattended operation for the first time, the applicant certifies that it will comply with the requirements of 47 C.F.R. Section 74.1234 (FM Translators) concerning unattended operation.

☒ Yes ☐ No

(b) In the space below state the name, address and telephone number of a person or persons who may be contacted in an emergency to suspend operation of the translator should such action be deemed necessary by the Commission.

Name	Address (street or other description)	City	State	Telephone No. (include area code)
Dale Thornburg	8088 Kammerer Road	Elk Grove	CA	(916) 684-2474

20. Has the applicant proposed to use equipment that is type accepted or notified in accordance with the provisions of 47 C.F.R. Parts 73 and 74?

☒ Yes ☐ No

If No, and the equipment is to be notified or type accepted under 47 C.F.R. Section 74.1250(c), include the date the equipment was submitted to the FCC Laboratory for approval or the date the manufacturer commenced the notification process.

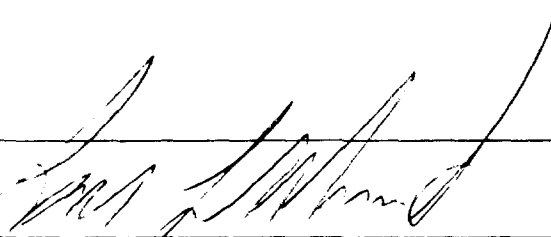
DNA

CERTIFICATION

I certify that I represent the applicant in the capacity indicated below and that I have examined the foregoing statement of technical information and that it is true to the best of my knowledge and belief.

April 13, 1994

Date

Signature 
Typed or Printed Name Lawrence L. Morton, P.E.
Telephone No. (include area code) (805) 733-4275

☐ Technical Director

☒ Registered Professional Engineer

☐ Consulting Engineer

☐ Chief Operator

☐ Other (specify)

SECTION III - LEGAL QUALIFICATIONS

NOTE: Applicants for new stations only:

1. Applicant is (check one of the following):

- ☒ Individual ☐ General Partnership ☐ Corporation
☐ Other ☐ Limited Partnership ☐ Unincorporated Association

If the applicant is a legal entity other than an individual, partnership, corporation or unincorporated association, describe in an Exhibit the nature of the applicant.

Exhibit No.
DNA

2. Is the applicant for an FM translator station the licensee or permittee of the commercial primary station being rebroadcast or does the applicant have any person or entity having any interest or connection with the commercial primary station being rebroadcast?

☐ Yes ☒ No

If Yes, will the coverage contour of the translator station extend beyond the protected contour of the commercial primary station being rebroadcast? DNA

☐ Yes ☐ No

NOTE: Applicants who answer Yes to the above questions are prohibited from receiving any support, before or after construction, either directly or indirectly from the commercial primary station being rebroadcast. Interested and connected parties include group owners, corporate parents, shareholders, officers, directors, employees, general and limited partners, family members and business associates. See 47 C.F.R. Section 74.1232(e).

3. (a) Is the applicant in compliance with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments?

☒ Yes ☐ No

(b) Will any funds, credit, or other financial assistance for the construction, purchase or operation of the station(s) be provided by aliens, foreign entities, domestic entities controlled by aliens, or their agents?

☐ Yes ☒ No

If Yes, provide particulars as an Exhibit.

Exhibit No.
DNA

4. (a) Has an adverse finding been made or an adverse final action taken by any court or administrative body with respect to the applicant or parties to this application in a civil or criminal proceeding, brought under the provisions of any law related to the following: any felony; mass media related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination?

☐ Yes ☒ No

(b) Is there now pending in any court or administrative body any proceeding involving any of the matters referred to in (a)?

☐ Yes ☒ No

If the answer to (a) or (b) is Yes, attach as an Exhibit a full disclosure of the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), a statement of the facts upon which the proceeding is or was based or the nature of the offense alleged or committed, and a description of the current status or disposition of the matter. Where the requisite information has been earlier disclosed in connection with another application or as required by 47 U.S.C. Section 1.65(c) in the case of adjudicated proceedings, the applicant need only provide: (1) an identification of that previous submission by reference to the file number in the case of an application, the call letters of the station regarding which the application or Section 1.65 information was filed, and the date of filing; and (ii) a description of the current status or disposition of the previously reported matter.

Exhibit No.
DNA

SECTION III - LEGAL QUALIFICATIONS (Page 2)

5. Has the applicant or any other party to this application had any interest in:

(a) a broadcast application which has been dismissed with prejudice by the Commission?

☐ Yes ☒ No

(b) a broadcast application which has been denied by the Commission?

☐ Yes ☒ No

(c) a broadcast station, the license for which has been revoked?

☐ Yes ☒ No

(d) a broadcast application in any Commission proceeding which left unresolved character issues against the applicant?

☐ Yes ☒ No

If the answer to any of the questions in 4 is Yes, state in an Exhibit the following:

Exhibit No. DNA

(i) Name of party having interest;

(ii) Nature of interest or connection, giving dates;

(iii) Call letters of stations or file number of application or docket number;

(iv) Location.

SECTION V - CERTIFICATIONS

Note: If this application is for a change in an operating facility, you DO NOT need to respond to Questions 1 and 2.

1. The applicant certifies that sufficient net liquid assets are on hand or are available from committed sources to construct and operate the requested facilities for three months without revenue. ☒ Yes ☐ No
2. The applicant certifies that: (a) it has a reasonable assurance of a present firm intention for each agreement to furnish capital or purchase capital stock by parties to this application, each loan by banks, financial institutions or others and each purchase of equipment on credit; (b) it can and will meet all contractual requirements as to the collateral, guarantees, and capital investment; (c) it has determined that a reasonable assurance exists that all such (excluding banks, financial institutions and equipment manufacturers) have sufficient net liquid assets to meet these commitments. ☒ Yes ☐ No
3. The applicant, if for a commercial FM translator station with a coverage contour extending beyond the protected contour of the commercial primary station being rebroadcast, certifies that it has not received any support, before or after constructing, directly or indirectly, from the licensee/permittee of the primary station or any person with an interest or connection with the licensee or permittee of the primary station, except for technical assistance as provided for under 47 C.F.R. Section 74.1232(e). ☒ Yes ☐ No
Exhibit No.
4. For applicants proposing translator rebroadcasts who are not the licensee of the primary station, the applicant certifies that written authority has been obtained from the licensee of the station whose programs are to be retransmitted. If No, this application is unacceptable for filing. ☒ Yes ☐ No

Primary station proposed to be rebroadcast:

Call Sign	City	State	Channel No.
KIQS(FM)	Willows	CA	288

5. The applicant certifies that it has contacted an authorized spokesperson for the owner of the rights to the proposed transmitter site, and has obtained reasonable assurance that the site will be available for its use if this application is granted. ☒ Yes ☐ No

That person can be contacted at the following address and telephone number:

Name James R. Goff		Mailing Address or Identification 701 Fairgrounds Dr.	
City Sacramento	State CA	ZIP Code 95817	Telephone No. (include area code) (916) 456-0528

6. For new station and major change applications only, the applicant certifies that it has or will comply with the public notice requirements of 47 C.F.R. Section 73.3580. ☒ Yes ☐ No

THE ORIGINAL OF THIS APPLICATION FORM MUST BE SIGNED AND DATED BY THE APPLICANT. THE REQUIRED COPIES CAN BE CONFORMED. SEE 47 C.F.R. SECTION 73.3513.

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

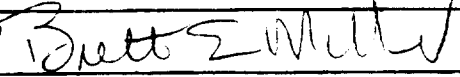
The APPLICANT acknowledges that all statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and incorporated herein.

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.65, the APPLICANT has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in information furnished.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

I certify that the statements in this application are true, complete and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant Brett E. Miller	Signature 
Title Applicant	Date 4/14/94

Request For Waiver
Section 74.1204(a)(1)

I, Brett E. Miller, hereby request a waiver of Section 74.1204(a)(1) regarding protection of KRAK(FM) 54 dBu F(50, 50) protection service contour (channel 286, 105.1 mhz). This request is filed pursuant to Section 74.1204(d). The area encompassed within the 94 dBu F(50, 10) interference contour contains no census block centroids per the 1990 U.S. Census.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Brett E. Miller", is written over a horizontal line.

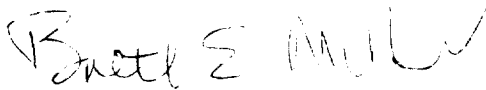
Brett E. Miller
11608 Blossomwood Ct.
Moorpark, CA 93021
(805) 523-7312

Certification

1. I, Brett E. Miller certify that I am not subject to a denial of Federal benefits pursuant to Section 5301 of the Anti Drug Abuse Act of 1988, 21 U.S.C. 862.

2. I, Brett E. Miller certify that the information contained in the foregoing Application For Authority to Construct or Make Changes in an FM Translator or FM Booster Station dated as of April 14, 1994, is true and accurate to the best of my knowledge.

Respectfully submitted,



Brett E. Miller
11608 Blossomwood Ct.
Moorpark, CA 93021
(805) 523-7312

**ENGINEERING EXHIBITS
IN SUPPORT OF
APPLICATION FOR
CONSTRUCTION PERMIT**

April 13, 1994

FM Translator Channel 289
Brett E. Miller
Sacramento, California



LAWRENCE L. MORTON ASSOCIATES
1231 MESA OAKS LANE

EXHIBIT E-1 ENGINEERING STATEMENT

The information and data contained within these Engineering Exhibits were prepared on behalf of Brett E. Miller in support of an application for construction permit to build a new FM translator station on Channel 289, 105.7 MHz, to serve Sacramento, California. This instant application is mutually exclusive with the pending application of Educational Media Foundation, FCC File No. BPFT-940103TC.

The applicant proposes to mount a guyed support pole to the roof of the Greenfair Apartment building in Sacramento. The total height of the structure including top-mounted lighting beacon will be 9.4 meters above the building rooftop, 46.3 meters above ground and 53.1 meters AMSL.

The proposed antenna system is a Jampro Antennas model JLLP-2 two-bay nondirectional circularly-polarized antenna. The transmitter will be a BEXT model PTX 30 FM 30-watt exciter. The output power will be adjusted to 11.3 watts so that the effective radiated power ("ERP") will be 10 watts.

The proposed site is located within the 54 dB μ F(50,50) service contour of third adjacent channel Class B station KRAK-FM licensed to Sacramento. Therefore, this proposal is not consistent with the requirements of 47 C.F.R. § 74.1204(a)(1). However, the proposed ERP is extremely low so that the area contained within the proposed 94 dB μ F(50,10) is extremely small.

Exhibit E-5 is a map showing the proposed interference contour and the locations of the centroids for the census blocks derived from the 1990 U.S. Census. The map demonstrates that no census blocks lie within the proposed interference contour. Thus, the applicant believes that this proposal complies with the requirements of 74.1204(d) and a waiver of 74.1204(a)(1) is hereby respectfully requested on the basis of compliance with 74.1204(d).

Should complaints of interference be received from KRAK-FM listeners, the applicant will either reduce power or cease operation of the translator facility.

The locations of the service and interference contours depicted on the attached cartographic exhibits were computed according to computer methods outlined in F.C.C. publication PB-249144, Field Strength Calculations for TV And FM Broadcasting. The computer methods use digitized data taken directly from the graphs of § 73.699. Intermediate values are obtained using bivariate interpolation techniques for surface fitting.

The average elevations from three to sixteen kilometers on radials for each one degree of azimuth starting with True North from the proposed antenna site was determined from topographic data obtained from the computerized Defense Mapping Agency three arc-second point elevation database.

Lawrence L. Morton, P.E.
Consulting Telecommunications Engineer
April 13, 1994

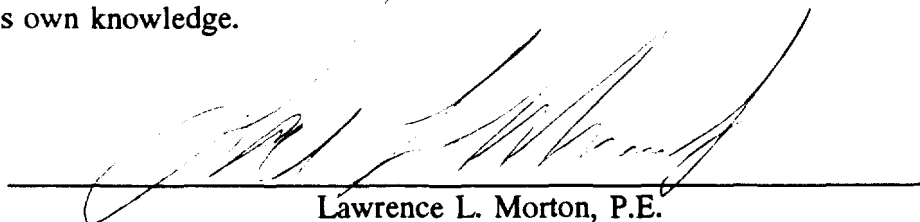
AFFIDAVIT

State of California)
) ss:
County of Orange)

Lawrence L. Morton, being first duly sworn upon oath, deposes and says:

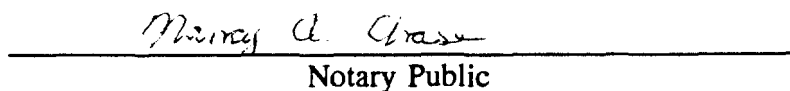
- That he is a qualified engineer,
- That he is a Registered Professional Engineer in the State of California,
- That he is a member of the Association of Federal Communications Consulting Engineers,
- That his qualifications are a matter of record with the Federal Communications Commission,
- That he has prepared many broadcast applications and engineering exhibits that have been filed with and granted by the Federal Communications Commission,
- That he has carried out such engineering work and that the results thereof are attached hereto and form part of this affidavit, and
- That the foregoing statement and the report regarding the aforementioned engineering work are true and correct of his own knowledge.

Date: April 13, 1994


Lawrence L. Morton, P.E.

On April 13, 1994, before me, Nancy A. Chase, a Notary Public, in and for the State of California, personally appeared Lawrence L. Morton known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

My Commission expires 11/30/94


Notary Public

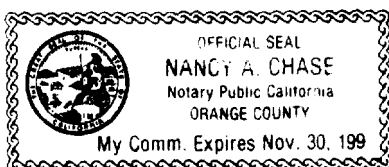
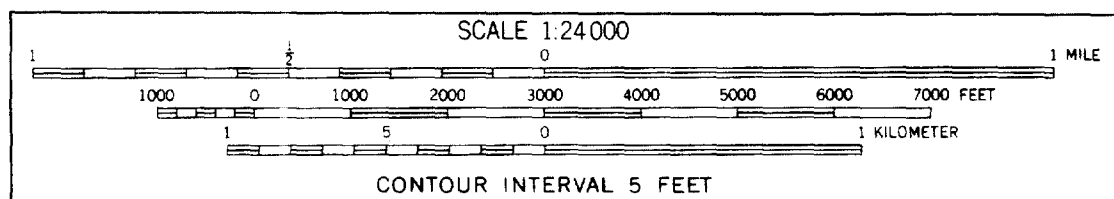




EXHIBIT E-2
U.S.G.S. 7.5 MINUTE TOPOGRAPHIC MAP
PORTION OF SACRAMENTO EAST QUADRANGLE



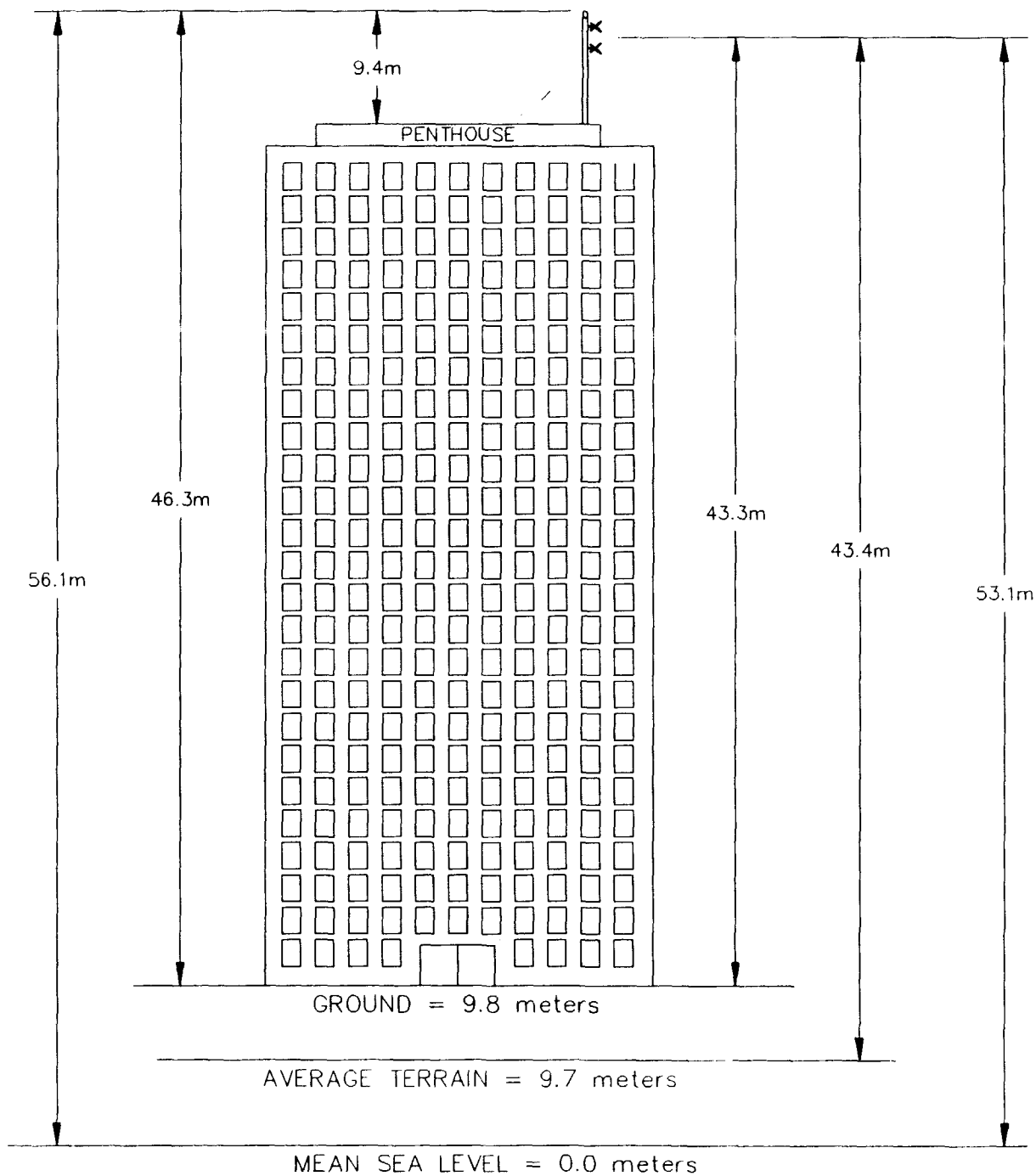


EXHIBIT E-3
VERTICAL PLAN SKETCH
OF EXISTING BUILDING
AND PROPOSED ANTENNA

PROJECT:	BRETT E. MILLER	DATE:	13-APR-94
SCALE:	None	REVISION:	A
		SHEET:	1 of 1
 LAWRENCE L. MORTON ASSOCIATES Telecommunications Engineers Mesa Oaks, California			

Lambert Azimuthal Equal-Area

2' 30" Graticule Spacing

Broderick

Peethill

38:35:00 +

Elyas

CENTER OF MAP:

N LAT 38 32' 47.00"

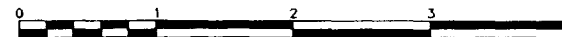
W LON 121 26' 25.00"

Scale 1 : 55,941

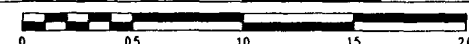
EXHIBIT E-4

PROPOSED 60 DBU F(50,50)
SERVICE CONTOUR
SACRAMENTO, CALIFORNIA

KILOMETERS



STATUTE MILES



LAWRENCE L. MORTON ASSOCIATES
Telecommunications Engineers
Mesa Oaks, California

Sacramento

Oak Park

38:32:30 +

PROPOSED SITE

Brighton

Ramona

Perkins

Manlove

Rosemont

South Hills Shopping Center

Cordova

Fruitridge Manor

PROPOSED 60 DBU SERVICE CONTOUR

12:30:00

38:30:00 +

12:27:30

+

Florin Shopping Center

12:25:00

+

12:22:30

+

Florin Road